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RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

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10 Attorneys for Defendants  
11 VELOCITY EXPRESS LEASING, INC.; AND  
12 VELOCITY EXPRESS, INC.

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA

15 PHILIP JONES, and KIM KEO,  
16 individually and on behalf of others  
17 similarly situated, and on behalf of the  
18 California general public,

18 Plaintiff,

19 v.

20 VELOCITY EXPRESS LEASING,  
21 INC., also known as VELOCITY  
22 EXPRESS LEASING WEST COAST,  
23 INC., a Delaware Corporation;  
24 VELOCITY EXPRESS, INC., a  
25 Delaware Corporation; and DOES I  
26 through 100, Inclusive,

24 Defendants.

Case No.

**C08-00773**

**DECLARATION OF DAMON M.  
OTT REGARDING NOTICE TO  
STATE COURT OF DEFENDANTS'  
REMOVAL OF ACTION TO  
FEDERAL COURT**

Complaint Filed: November 6, 2007  
(Alameda County Superior Court)

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28  
LITTLER MENDELSON  
A PROFESSIONAL CORPORATION  
650 California Street  
20th Floor  
San Francisco, CA 94108.2693  
415.433.1940  
DECLARATION OF DAMON M.  
OTT ISO REMOVAL

1 I, DAMON M. OTT, do hereby declare and state as follows:

2 1. I am an attorney with the law firm of Littler Mendelson, a  
3 Professional Corporation, counsel for Defendants Velocity Express Leasing,  
4 Inc. (erroneously also sued as an entity "also known as Velocity Express  
5 Leasing West Coast, Inc.") and Velocity Express, Inc. (collectively  
6 "Defendants") in the above-entitled matter. I am duly licensed to practice law  
7 in the State of California and before the United States District Court for the  
8 Northern District of California and am one of the attorneys responsible for  
9 representing Defendants in this action. All of the information contained herein  
10 is based upon my personal and first hand knowledge, unless otherwise  
11 indicated, and if called and sworn as a witness, I could and would competently  
12 testify thereto.

13 2. On February 1, 2008, pursuant to 28 U.S.C. §§ 1332(d),  
14 1441(a) and 1446, I arranged for filing with the Clerk of the Superior Court of  
15 the State of California for the County of Alameda a Notice to State Court of  
16 Removal of Civil Action to Federal Court, together with a copy of the Notice to  
17 Federal Court of Removal of Civil Action from State Court, by causing said  
18 documents to be duly delivered to the Deputy Clerk of the Superior Court of the  
19 State of California for the County of Alameda.

20 I declare under penalty of perjury under the laws of the United  
21 States of America that the foregoing is true and correct.

22 Dated this 1st day of February 2008 in San Francisco, California.

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24  
25 DAMON M. OTT

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27 Firmwide:84091455.2 057214.1004  
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DECLARATION OF DAMON M.  
OTT ISO REMOVAL

1.